

Cui Fengjuan 崔凤娟 著

庭审语篇中模糊限制语的 顺应理论研究

An Adaptability-theoretic Approach to Hedges in
Courtroom Discourse



中国社会科学出版社

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序

一般认为,法庭是一个严肃而又正式的场合,庭审过程中所使用的语言应当比日常交流所使用的语言要精确。或者说,在庭审语境中,模糊限制语的使用频率应该是比较低的。但事实并非如此。崔凤娟博士的《庭审语篇中模糊限制语的顺应理论研究》为我们揭开了庭审语境中模糊限制语的庐山真面目。本书发现,模糊限制语是庭审语境中交际者为了便于交流而经常使用的交际策略。既然如此,模糊限制语在庭审语篇中体现为什么语言形式?具体实施哪些功能?我们可以用什么理论来阐释庭审语篇中模糊限制语的特征?该书在维索尔伦语言顺应论的基础上构建了一个解释模糊限制语的语用学框架。作者在此框架内以真实庭审记录为语料,采用了定性分析与定量分析相结合的方法,通过真实的语料分析对庭审语篇中模糊限制语的语言实现形式、变异性、商讨性、顺应性、语用功能等进行了研究。

顺应论把语言的使用看作是一个选择的过程,语言使用者的选择主要涉及交际策略和语言形式。语言使用者可以进行语言选择就是因为语言具有变异性、商讨性和顺应性。语言的变异性使语言使用者可以从一系列的变量中做出选择;语言的商讨性使语言使用者能够在高度灵活的语用原则和语用策略的基础上做出选择;语言的顺应性则使语言使用者通过语境关系顺应和语言结构顺应可在可供选择的语言变量中做出灵活的选择,从而满足交际的需要。

就模糊限制语的体现形式及其变异性而言,一个适切的模糊限制语往往是在一系列变量中进行选择的结果。在庭审语篇中,根据不同的交际目的,模糊限制语的变异在策略层面上有三个主要维度,即命题内容准确性维度、情感维度和语篇连贯维度。从命题内容准确性维度看,模糊限制语的变异涉及命题内容的真值,标志着说话者对命题效度的态度。就情感维度而言,模糊限制语的变异指向情感,即满足说话者或者听话者的情感需

求。在语篇连贯维度上,模糊限制语作为衔接工具使说话者能够有效地进行交际。

模糊限制语的选择具有商讨性。尽管模糊限制语的选择不受固定的形式—功能规则的严格制约,但说话者对模糊限制语的选择受到语用原则或策略的制约。本书通过语料分析发现,在庭审中交际者对模糊限制语的选择主要基于以下三原则或策略:合作原则、礼貌策略和语篇连贯。说话人在选择模糊限制语时为了满足交际需求可能会考虑遵守或者违反合作原则中的任一准则。使用模糊限制语可以实施消极礼貌策略,也可以实施积极礼貌策略。另一方面,模糊限制语还会对话语的连贯发展产生影响。

就模糊限制语的顺应性而言,在庭审语篇中,模糊限制语作为一种语言现象,是顺应社交世界(例如庭审规则、权力关系等)及心理世界(例如交际者的心理动机)等语境因素的结果。

本书在语料分析的基础上将庭审语篇中模糊限制语的功能概括为三类:信息功能、交际功能和语篇功能。信息功能是指模糊限制语对说话者表述的命题内容和准确度的修正作用。交际功能主要涉及说话者与听话者之间的人际关系,是指说者对听者的态度。语篇功能是指模糊限制语组织语篇和引导听话者的功能。

顺应论可以很好地解释语言使用的过程,有助于我们理解语言使用过程中的语言选择。为了更好地阐释庭审语篇中模糊限制语的使用,本书着眼于庭审语篇中模糊限制语的语用特点,以顺应论为基础构建了一个解释模糊限制语的理论框架。可以说,本书融合了语用学、语篇分析、模糊语言学及法律语言学的相关研究成果,拓宽了模糊限制语的研究范围,既有理论研究价值,又有很强的实践意义。理论上讲,本研究可丰富模糊限制语、语用学、语篇分析及法律语言学的研究。从实践上来说,本研究可对司法实践具有一定的启发意义。

崔凤娟博士在语言学研究领域勤于思考,笔耕不辍,不但在核心期刊上发表了有影响的学术论文,而且还主持了教育部的人文社科基金项目。我衷心地祝愿崔凤娟博士继续发扬锲而不舍的精神,在语言学研究的道路上越走越远。

苗兴伟

北京师范大学

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List of Abbreviations

U	utterer
I	interpreter
N	number
FTA	face threatening act
F	female
M	male
S	speaker
H	hearer
IPrA	International Pragmatics Association
S1	International Pragmatics Association
S2	speaker 2
LAP	language for academic purposes
IAFL	International Association of Forensic Linguistics

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Chapter One

Introduction

1.1 Preliminary remarks

Relatively speaking, language enables us to express our ideas precisely or imprecisely. A speaker usually uses hedges when he/she intends to express ideas, attitudes, emotions, and so on. Hedge or hedging is a common communicative resource in language use. “Language without hedging is language without life” (Skelton, 1988: 38). The notion of hedging has been in the linguistic vocabulary since the term was introduced by Lakoff (1972) to describe “words whose job it is to make things more or less fuzzy” (Hyland, 1998b: 1). “If you *hedge* against something unpleasant or unwanted that might affect you, you do something which will protect you from it. If you *hedge* or *hedge* a problem or question, you avoid answering the question or committing yourself to a particular action or decision” (Collins, 1987). Specifically speaking, hedges are expressions of “uncertainty” (Coates, 1993), “tentativeness and possibility” (Hyland, 1996a) or “imprecision or qualification” (Crystal, 1997). Hedges have been investigated by various scholars from different perspectives such as semantic, pragmatic, cognitive, logic, rhetoric perspectives and so on. This book aims to account for hedges in courtroom discourse and the way hedging and related phenomena operate in courtroom context, rather than in isolation.

1.2 Rationale of the research

The research on hedging in courtroom discourse is an important aspect of

the study of vague language and a significant facet of the study of legal language. Thus, research of this kind may widen the research field of vague language and contribute to the study of forensic linguistics.

To be specific, several reasons are considered for conducting the present research.

First, in contrast to the common understanding, hedges are frequently used in the institutionalized courtroom discourse.

Institutionalization, as Berger and Luckmann (1967) define it, occurs wherever there is a reciprocal typification of habitualized actions by types of actors. The institution is brought about through the gradual sedimentation of repeated actions, which provide a common cultural stock of knowledge concerning what behavior is appropriate and worthy of praise in this context (Campbell & Roberts, 2007: 6). Discourse is language used as a form of social practice and it is both facilitated and constrained by the social institutions within which it operates (Fairclough, 1992). According to Drew and Heritage (1992: 22), institutional discourse “involves an orientation ... to some core goal, task or identity ... conventionally associated with the institution”. In other words, institutional discourse is characterized by a focus of the discourse participants on accomplishing workplace tasks. Such a focus on workplace goals should result logically in a kind of discourse which is factual and precise, and does not contain too much vagueness or ambiguity (Koester, 2007: 40). Courtroom interaction is a highly specific institutionalized type of speech event with a “pre-established role structure”. Therefore, as a type of institutional discourse, it must meet the institutional requirements of providing precise and clear information about the crime committed and gaining precise understanding of the case in trial. It is commonly supposed that precision is the hallmark of courtroom discourse, and that courtroom discourse is purely precise, informational and directly deals with facts and the search for an independent truth. However, effective courtroom discourse is like any other kind of discourse in that it is interactive; it involves speakers trying to influence their hearers by convincing them of the correctness of their claims. This not only means that courtroom discourse carries the truth and the speaker's point of view, but also means that arguments